

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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ROSEBUD SIOUX TRIBE,  
and their members; and  
OGLALA SIOUX TRIBE,  
and their members,

Plaintiffs,

vs.

STEVE BARNETT, in his official  
capacity as Secretary of State for the State  
of South Dakota and Chairperson of the  
South Dakota State Board of Elections;  
LAURIE GILL, in her official capacity as  
Cabinet Secretary for the South Dakota  
Department of Social Services;  
MARCIA HULTMAN; in her official  
capacity as Cabinet Secretary for the  
South Dakota Department of  
Labor and Regulation; and  
CRAIG PRICE, in his official capacity as  
Cabinet Secretary for the South Dakota  
Department of Public Safety,

Defendants.

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CIV 20-5058

FIFTH AMENDED RULE 16  
SCHEDULING ORDER

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Counsel for the parties have filed a Joint Motion to Extend Motion and Briefing Deadlines, Doc. 69, in which a 21-day extension of time to file all motions other than motions in limine as the parties have a mediation conference scheduled for January 25, 2022. After consideration of the Motion, together with the file in this matter,

IT IS ORDERED:

1. That the Joint Motion to Extend Motion and Briefing Deadlines, Doc. 69, is granted.
2. That the dates have expired for the parties to move to join additional

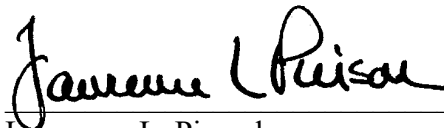
parties and to amend the pleadings.

3. That all discovery, including expert discovery, was to be commenced in time to be completed by November 19, 2021, and Plaintiffs may propound up to forty (40) interrogatories to all Defendants combined, and Defendants may propound up to thirty (30) interrogatories to all Plaintiffs combined and twenty-five (25) requests for admission by each party to any other will be allowed, and responses thereto shall be due thirty (30) days after service. Discovery responses must be supplemented as additional information is available.
4. That there will be a maximum of ten (10) depositions for each party, excluding depositions of experts, and each deposition shall be limited to four (4) hours, with the right to extend specific depositions if voluminous documents need to be explored. (See Doc. 30, page 4, paragraph 3(f).) The parties reserve the right to request additional depositions depending on how the facts develop. (See Doc. 30, page 4, paragraph 3(e).)
5. That the dates have expired for the parties to identify and submit reports from retained experts under Rule 26(a)(2). Any supplementations thereto under Rule 26(e) shall be due within ten (10) days of learning that in some material respect the disclosure or response is incomplete or incorrect, and if the additional corrective information has not otherwise been made known to the other parties during the discovery processor in writing (See Doc. 30, page 4, paragraph 3(h)). Disclosures and reports under Rule 26(a)(2) are not filed with the Clerk. Any expert not so designated will not be permitted to testify at trial.
6. That a deposition may be taken of each designated expert.
7. That all motions, other than motions in limine, together with supporting briefs, shall be filed and served on or before February 9, 2022; that opposing parties shall file and serve answering materials and briefs on or before March 2, 2022; and reply briefs shall be filed and served on or before March 18, 2022.
8. That the final date for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists shall be June 6, 2022; and the final date for the parties to file objections, if any, under Rule 26(a)(3) is June 13, 2022.

9. That if it is subsequently determined that Defendants are entitled to a jury trial, then dates for motions in limine will be set by the Court.
10. That all motions not previously disposed of will be heard and a pre-trial conference will be held on Monday, June 20, 2022, at 10:00 A.M. Mountain Time, 11:00 A.M., Central Time. The lawyer who will be the lead trial counsel at trial for each of the parties is to be in attendance at the pre-trial conference unless specifically excused by the Court from being in attendance.
11. That a court trial will commence in Rapid City, South Dakota, on Tuesday, July 12, 2022, at 9:00 A.M.
12. That the parties shall promptly contact the Magistrate so that the possibility of settlement discussion with the assistance of the Magistrate can be pursued.
13. That the Defendants shall within twenty (20) days establish to the Court why the Defendants are entitled to a jury trial in this case. The Plaintiffs will have twenty (20) days within which to respond and Defendants shall reply within ten (10) days.

Dated this 18th day of January, 2022.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:

MATTHEW W. THELEN, CLERK

